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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/210,721	12/14/1998	HIDEO FUSHIMOTO	35.G2316	5018

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EXAMINER

GENCO, BRIAN C

ART UNIT PAPER NUMBER

2615

DATE MAILED: 11/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/210,721

Applicant(s)

FUSHIMOTO, HIDEO

Examiner

Brian C Genco

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Continuation of 2. NOTE: In rolling up the limitations of claims 7 and 15 into claims 1 and 11 respectively, Applicant has created new combinations of dependancies that require further consideration in order to determine whether support under 35 U.S.C. 112 is in the specification for these new dependencies. Examiner notes that the rejection of claims 7 and 15 previously presented still stand and an answer to Applicant's arguments is herein attached.

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Applicant argues that Ohki does not disclose the claimed designation means.

In response, Examiner notes the rejection in the previous office action wherein as described on column 5, lines 30-37 and column 8, lines 38-61 Ohki clearly discloses the designation means.

Applicant again argues that Murphy does not disclose that a user is able to designate an arbitrary point to be linked to an image to be taken, or to control the linking of the taken image to the designated point.

In response, Examiner notes that, as was asserted in the previous Office Actions, Murphy discloses designating an arbitrary point to be linked to an image is controlled by a user moving to the location corresponding to that point and subsequently taking a picture. Therefore the very act of taking a picture is the designating means, wherein this is preformed by user input, namely pressing the shutter button. As such all of the claim limitations are still taught by Murphy. Examiner notes the teaching in Murphy on column 16, lines 62-65 wherein an icon 422 indicating the users current position is displayed on the displayed predetermined data, namely map data. In moving around the user moves the icon around map and thus enables the user to optionally designate an arbitrary point on the map, wherein the user input to actually designate a point is the pressing of the shutter button to take an image. As such, the starting of an image-taking operation is automatically started upon designating a point. Further, upon taking an image Murphy discloses generating link information as described on page 9, line 62 – page 10, line 5.

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Examiner notes that Murphy does not disclose physically manipulating the display in order to designate a point, however does disclose automatically starting an image-taking operation when a point is designated. Examiner further notes that Ohki does disclose physically manipulating the display in order to designate a point, however does not disclose automatically starting an image-taking operation when a point is designated. Examiner notes that it is not apparent that there is any motivation to combine these two teachings using the Murphy and Ohki references.



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